



REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 23-25 and 27 are pending in the present application.

In the outstanding Office Action, Claims 23, 24, 26, and 27 were rejected under nonstatutory obviousness-type double patenting as unpatentable over U.S. Patent No. 7,006,757 in view of Hirabayashi et al. (U.S. Patent No. 6,002,834).

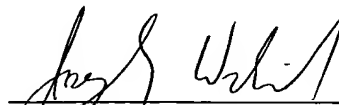
A terminal disclaimer against U.S. Patent No. 7,006,757 is filed herewith. Applicants respectfully submit that the outstanding nonstatutory obviousness-type double patenting rejection is overcome.

The filing of a Terminal Disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

Consequently, in light of the above discussion, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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